

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – AT DETROIT

In Re:
DIANE MARIE GABRY

Case No. 09-45766
Chapter 13
Hon: Thomas J. Tucker

Debtor.
_____ /

**ORDER APPROVING FIRST FEE APPLICATION
FOR SERVICES RENDERED (IN REDUCED AMOUNT AS TO COSTS)**

Debtors' counsel, OSIPOV BIGELMAN, P.C., filed and served on all interested parties an application for fees pursuant to LBR 2016-2 (EDM). No objections to the application have been received and a certification of no response has been filed. Therefore, the Court enters this Order.

IT IS ORDERED that:

1. The Court approves Applicant's fees and expenses as follows:

Prior Award for Fees:	<u>\$0.00</u>	
Prior Award for Costs:	<u>\$ 0.00</u>	
TOTAL AWARD TO DATE:		<u>\$ 0.00</u>
This Award for Fees:	<u>\$ 4,640.00</u>	
This Award for Costs:	<u>\$ 445.51¹</u>	
TOTAL THIS AWARD:		<u>\$ 5,085.51</u>
LESS PAYMENTS RECEIVED		<u>\$ 500.00</u>
AMOUNT TO BE DISBURSED BY CHAPTER 13 TRUSTEE:		
		<u>\$ 4,585.51</u>
GRAND TOTAL FEES AND COSTS:		<u>\$ 5,085.51</u>

2. This award covers services rendered and expenses incurred from 10/01/08 through 10/01/09.

¹ The Applicant's award for costs reflects a reduction of \$250.00 from the \$695.51 requested in the fee application. It appears that the Applicant paid a \$250.00 filing fee when it filed the complaint in adversary proceeding no. 09-4881. That filing fee was unnecessary, however; as Guideline 12 to the Court's local rules states, "a Chapter 13 debtor filing" an adversary proceeding to strip a junior lien "is exempt from payment of the adversary proceeding filing fee." The Applicant may file a motion in the adversary proceeding for a refund of the filing fee, but it may not recover that advance from the Debtor as an allowed expense in this case, since the expense was unnecessary and should not have been paid.

3. Debtor's counsel shall serve a copy of this Order upon the Debtor.
4. To the extent fees and expenses pursuant to this Order are not disbursed by the Chapter 13 Trustee, they shall be paid directly by the Debtor.

Signed on December 30, 2009

_____/s/ Thomas J. Tucker_____
Thomas J. Tucker
United States Bankruptcy Judge